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Attorney's Docket No.: 15786-035001

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Mark W. Lambert et al. Art Unit : 2125
Serial No. : 10/085,528 Examiner : Carlos R. Ortiz Rodriguez
Filed : February 25, 2002
Title : METHOD AND APPARATUS FOR SIMPLIFIED PATTERNING OF
FEATURES IN A COMPUTER AIDED DESIGN (CAD) MODEL

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PRE-APPEAL BRIEF REQUEST FOR REVIEW.

IN REPLY TO ACTION OF MARCH 21, 2006

Claims 1-39 are pending, of which claims 1, 12, and 23 are independent. The Examiner has rejected all claims as allegedly being anticipated by the web page <http://web.archive.org/web/20010201070800/http://www.d-cubed.co.uk/> and more particularly http://web.archive.org/web/20010203144400/www.d-cubed.co.uk/prod_dcm_intro.htm ("D-Cubed web page") which is hyperlinked from the first web page. The Examiner relies wholly on two paragraphs ("two paragraphs") from the D-Cubed web page for all the rejections. The two paragraphs read, emphasis added:

In brief, variational techniques enable the end-user to specify and control their geometric models through the use of simple rules. Such rules frequently include dimensions and constraints. Dimensions, such as distances, angles and radii, have an easily understood interpretation. The meaning of constraints is less obvious. In fact they are simply rules that restrict, i.e. constrain, the behaviour of the geometries in the model. Examples of constraints include parallelism, tangency and concentricity.

To modify a model, the end-user simply specifies a change to the rules, such as a modified value for a dimension. The DCM then automatically re-calculates the locations of all the geometries affected by the new dimension value, whilst ensuring that their final locations are consistent with the previously applied dimensions and constraints. The end-user does not have to re-position the

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geometries manually to create the new configuration, hence their productivity is greatly enhanced.

Claim 1 recites in part, "receiving an indication of modification to the CAD geometry piece."

The Applicant submits that the two paragraphs do not disclose "receiving an indication of modification to the CAD geometry piece." The Examiner has not explained what in the two paragraphs allegedly corresponds to this feature. *Cf.* MPEP § 707 ("When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."). Nevertheless, it appears to the Applicant that the Examiner means to say that this feature is met by what seems to be the only kind of user input described in the two paragraphs: "To modify a model, the end-user simply specifies a change to the rules." Then, in response to the user input, the DCM "automatically re-calculates the locations of all the geometries."

The user input which appears to be suggested by the two paragraphs is not what is recited in Claim 1. The user input which appears to be suggested by the two paragraphs is "a change to the rules," in response to which the geometries are automatically recalculated. By contrast, Claim 1 recites "receiving an indication of modification to the CAD geometry piece." Thus, the only user input described in the two paragraphs changes a rule associated with a model, rather than directly modifying a piece. The two paragraphs do not anticipate Claim 1.

Additionally, Claim 1 recites "receiving an indication of modification," but the two paragraphs say nothing about an "indication of modification." The relied upon art does not show that user input constitutes an "indication of modification," or that the indication is "received." "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970) (emphasis added). Therefore, the examiner has not made out a *prima facie* case of anticipation.

Claim 1 recites in part, "receiving an input for a pattern, the pattern comprising a plurality of features included within a boundary of a CAD geometry piece where a feature corresponds to a feature of the CAD geometry piece."

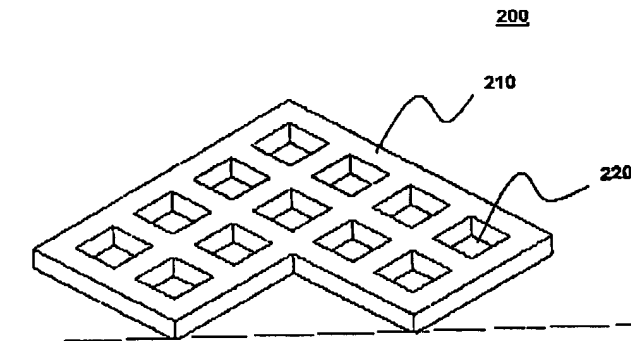
Figures 2 and 3 illustrate an exemplary "pattern of features." Application, pages 9-10. The illustrated pattern 210 is rectangular and each illustrated feature 220 is a square. Application,

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page 11. Figure 2 is depicted below. A "pattern," as used in Claim 1, comprises a plurality of features. The Encarta World English Dictionary, 1st ed. (1999), defines a pattern, in part, as "a regular or repetitive form, order, or arrangement." See Exhibit A. The Oxford English Dictionary, 2nd ed. (1989), defines a pattern, in part, as "a regular or decorative arrangement," or a "repeated" design. Indeed, the illustrated pattern 210 is a rectangular, regular or repetitive arrangement of a plurality of square features 220. Another "regular" or "repetitive" pattern is shown in Figure 8.

FIG. 2



The Applicant submits that the two paragraphs do not teach a pattern. The two paragraphs merely discuss "geometric models" with "geometries." Accordingly, the two paragraphs do not anticipate Claim 1.

Claims 12 and 23 contain similar limitations, and all other claims depend from claims 1, 12, or 23. Therefore all claims are in condition for allowance.

Claim 8 recites in part, "automatically determining what modification, if any, is necessary to one or more dimensions of at least one of the plurality of features." The Examiner again cited generally to the two paragraphs. However, the Applicant submits that the two paragraphs do not disclose automatically modifying dimensions of features. Rather, the two paragraphs merely disclose automatically recalculating locations. Therefore, Claim 8, as well as Claims 11, 19, 21, 22, 30, 32, and 33, which contain similar limitations, are allowable.

Claim 34 recites in part, "automatically modifying at least one of the pattern or the plurality of features includes removing one or more features from the pattern." The Examiner

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again cited generally to the two paragraphs. While the two paragraphs disclose recalculating locations of geometries, nowhere in the two paragraphs is disclosed "automatically ... removing one or more features from the pattern." Therefore, Claim 34, as well as Claims 36 and 38, which contain similar limitations, are allowable.

Claim 35 recites in part, "adjusting a distance between at least one feature and the boundary such that the plurality of features are continuously included within the boundary." The Examiner again cited generally to the two paragraphs. However, while the two paragraphs disclose six kinds of "rules" ("distances, angles, ... radii, parallelism, tangency, and concentricity"), the two paragraphs do not disclose that continuous inclusion within a boundary is a kind of rule. Therefore, Claim 35, as well as Claims 37 and 39, which contain similar limitations, are allowable.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist.

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Respectfully submitted,

Date: _____

7/20/06



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